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MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079			EXAMINER MENDOZA, JUNIOR O	
			ART UNIT	PAPER NUMBER
			2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/657,536

Applicant(s)

PRZYBYLEK, PIOTR

Examiner

JUNIOR O. MENDOZA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/16/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to **claims 1 - 6** have been considered but are moot in view of the new ground(s) of rejection. Where **claims 7 and 8** have been cancelled and **claims 9 – 14** have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 9** is rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter et al. (Pub No US 2005/0235319). Hereinafter referenced as Carpenter.

Regarding **claim 9**, Carpenter discloses a method for access and handling service lists in a digital television decoder provided with a remote control unit, the service lists arranged in an ordered structure and each service list comprising a plurality of services (Program guide application [300] supports and provides advance set top box [150] based features to control other applications or resources, such as audio on

demand [306], video on demand [306], internet browser applications [316], etc, paragraph [0087] also exhibited on fig 5 and 6, where the set top box [150] is controlled by remote control [156] as exhibited on fig 2),

the method comprising the steps of: assigning a list change command to a dedicated button of the remote control unit (User can launch and navigate between multiple resources through an inter-resource "back" and "forward" button that allows a user to move to another resource, paragraph [0008]);

detecting a currently active list (Once a service has been chosen then the user is presented with the respective service on the screen, where the type of service being used at that moment is highlighted, as exhibited on figs 12, 14, 17, 22 and 23);

receiving the list change command; determining the identifier of the next list from the structure (The user can press the back button function in order to be taken to the resource that has been previously accessed, paragraph [0126]; where the guide may query the service or resource for its identifier and store it if desired, paragraph [0101]);

determining the last viewed service from the next list (Once the user presses the back button function then the interactive program guide provides the previously accessed resource or service in response to the user's request, see claim 5 of the reference);

displaying the last viewed service; displaying the identifier of the last viewed service and the list to which it belongs (Once a service has been chosen then the user is presented with the respective service on the screen, where the type of service being used at that moment is highlighted, as exhibited on figs 12, 14, 17, 22 and 23).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Shusman (Pub No US 2006/0179454) further in view of Smith (Patent No US 6,516,329). Hereinafter referred as Shusman and Smith, respectively.

Regarding **claim 1**, Carpenter discloses a method of access and handling service lists, set up earlier from television and radio channels, web sites, as well as user services available to a digital television decoder, provided with a remote control unit (Program guide application [300] supports and provides advance set top box [150] based features to control other applications or resources, such as audio on demand [306], video on demand [306], internet browser applications [316], etc, paragraph [0087] also exhibited on fig 5 and 6, where the set top box [150] is controlled by remote control [156] as exhibited on fig 2),

Carpenter discloses the method comprising the steps of activating a service list changing function by a button of the remote control unit to go to a subsequent list in respect to a currently active list (User can launch and navigate between multiple

resources through an inter-resource "back" and "forward" button that allows a user to move to another resource, paragraph [0008])

Carpenter discloses fetching from a decoder storage an identifier of a service, of the subsequent list, being recently viewed or an identifier of a first service of the subsequent list when no service being recently viewed is determined in the subsequent list (The user can press the back button function in order to be taken to the resource that has been previously accessed, paragraph [0126]; where the guide may query the service or resource for its identifier and store it if desired, paragraph [0101]);

Carpenter discloses setting the digital television decoder to receive the service being recently viewed or the first service (Once the user presses the back button function then the interactive program guide provides the previously accessed resource or service in response to the user's request, see claim 5 of the reference)

Carpenter discloses displaying on a screen the service, of the subsequent list, being recently viewed or the first service, of the subsequent list, together with information about a list assignment (Once a service has been chosen then the user is presented with the respective service on the screen, where the type of service being used at that moment is highlighted, as exhibited on figs 12, 14, 17, 22 and 23)

Carpenter discloses moving to a service list containing the service being displayed; and alternatively activating a service choosing function for selecting a new service from the service list containing the service being displayed (Where a user can choose another service or resource [510], [512], [514], [516], [518] or [520] presented

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on the screen at any moment, paragraph [0102] also exhibited on figs 12, 14, 17, 22 and 23).

However, Carpenter fails to explicitly disclose the viewing rating of a service being displayed. Nonetheless, Shusman discloses the viewing rating of a service being displayed (As exhibited on figure 12, program guide provides a list assignment, i.e. music / movies, where the content presented contains a graphical customer rating [1210] which varies in size depending on the customer's interaction, paragraph [0117] and [0118]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter by specifically providing the elements mentioned above, as taught by Shusman, for the purpose of providing a short cut for the customers, where the services that are access more frequently can be accessed in a faster manner.

However, the combination of Carpenter and Shusman fail to explicitly disclose DVD libraries. Nonetheless, Smith discloses DVD libraries (The user has access to different content source services including DVD libraries, see claim 6 of the reference).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Shusman by specifically providing the elements mentioned above, as taught by Smith, for the purpose of providing even more option to the customer, expanding the marketability of the product.

Regarding **claim 4**, Carpenter, Shusman and Smith disclose the method according to claim 1; moreover, Carpenter discloses that the choice of moving to the subsequent list, choice of the service from a currently active list, and modification of a content of lists is made directly by buttons of the remote control unit (U) (Control remote [156] includes buttons which allows the user to move between services and make changes, paragraph [0086] also exhibited on fig 4).

Regarding **claim 5**, Carpenter, Shusman and Smith disclose the method according to claim 1; moreover, Carpenter and Smith fail to explicitly disclose that the information about the list assignment and viewing ratings of a selected service is assigned to graphical symbols. Nonetheless, Shusman discloses that the information about the list assignment and viewing ratings of a selected service is assigned to graphical symbols (As exhibited on figure 12, program guide provides a list assignment, i.e. music / movies, where the content presented contains a graphical customer rating [1210] which varies in size depending on the customer's interaction, paragraph [0117] and [0118]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Smith by specifically providing the elements mentioned above, as taught by Shusman, for the purpose of providing a graphical interface which assists a customer navigate through a guide in a more efficient and pleasant manner.

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Shusman further in view of Smith further in view of Schneidewend et al. (Patent No 6,182,287). Hereinafter referred as Schneidewend.

Regarding **claim 2**, Carpenter, Shusman and Smith disclose the method according to claim 1; moreover, Shusman discloses viewing ratings for each service (As exhibited on figure 12, program guide provides a list assignment, i.e. music / movies, where the content presented contains a graphical customer rating [1210] which varies in size depending on the customer's interaction, paragraph [0117] and [0118]). However, the combination of Carpenter, Shusman and Smith fail to explicitly disclose that at least two lists of services available in the storage are fetched from the decoder storage.

However, Schneidewend discloses the method according to claim 1, wherein at least two lists of services available in the storage are fetched from the decoder storage (Two different types of lists can be displayed simultaneously, a more general list and a user's favorite list, where both lists include different types of services, i.e. internet links, HDTV, VCR, E-mail, etc. Column 5 lines 33-62 also exhibited on figure 4),

and next, after defining separate lists, the lists of services are displayed together with information about their affiliation to the list of services and viewing ratings (Each service identifies the list they belong to as exhibited on fig 4)

and next using the total content of the displayed lists, the content of separate lists is modified (Each user can modify their favorite list by adding more desired services to their lists, col. 4 lines 53-67, col. 5 lines 1-8 and col.7 lines 17-21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter, Shusman and Smith by specifically providing the elements mentioned above, as taught by Schneidewend, for the purpose of providing the user with the opportunity to see two different service list simultaneously, which allows the user to make changes faster and more efficiently.

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Shusman further in view Smith further in view of Lin (Patent No US 6,934,917). Hereinafter referred as Lin.

Regarding **claim 3**, Carpenter, Shusman and Smith disclose the method according to claim 1; however, the combination of Carpenter, Shusman and Smith fail to explicitly disclose that the viewing rating of the service is defined as a percentage ratio between viewing time of the service and viewing time of all services of the list.

However, Lin discloses that the viewing rating of the service is defined as a percentage ratio between viewing time of the service and viewing time of all services of the list (The ranking or rating indicates the channels that have been watched by the viewer for the longest length of time during a particular period of time, in comparison to the all the other channels available, column 1 lines 51-64 also exhibited on fig 3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter, Shusman and Smith by specifically

providing the elements mentioned above, as taught by Lin, for the purpose of providing a short cut for the customers, where the services that are access more frequently can be accessed in a faster manner.

5. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Shusman further in view of Smith further in view of Maxon et al. (Patent No 6,930,730). Hereinafter referred as Maxon.

Regarding **claim 6**, Carpenter, Shusman and Smith disclose the method according to claim 5; however, the combination of Carpenter, Shusman and Smith fail to explicitly disclose that the graphical symbols are assigned in form of genre icons.

However, Maxon discloses that the graphical symbols are assigned in form of genre icons (Different categories of services can be display using icons corresponding to each category, as exhibited on fig 2F)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Shusman by specifically providing the elements mentioned above, as taught by Maxon, for the purpose of providing a graphical interface that catches the user's interest and allows each viewer to navigate the guide in a faster and more efficiently.

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Lin.

Regarding **claim 10**, Carpenter discloses a method for access and handling service lists in a digital television decoder provided with a remote control unit, the method comprising steps of:

activating a service list changing function by a button of the remote control unit to go to a next list in respect to a currently active list (User can launch and navigate between multiple resources through an inter-resource "back" and "forward" button that allows a user to move to another resource, paragraph [0008])

by fetching from a decoder storage an identifier of a service of the next list being recently viewed or an identifier of a first service of the next list when no service being recently viewed is determined in the next list (The user can press the back button function in order to be taken to the resource that has been previously accessed, paragraph [0126]; where the guide may query the service or resource for its identifier and store it if desired, paragraph [0101]);

setting the digital television decoder to receive the service being recently viewed or the first service (Once the user presses the back button function then the interactive program guide provides the previously accessed resource or service in response to the user's request, see claim 5 of the reference);

displaying on a screen the service of the next list being recently viewed or the first service of the next list together with information about a list assignment and viewing

rating of a service being displayed (Once a service has been chosen then the user is presented with the respective service on the screen, where the type of service being used at that moment is highlighted, as exhibited on figs 12, 14, 17, 22 and 23);

moving to an active service list containing the service being displayed; and alternatively activating a service choosing function for selecting a new service from the active service list (Where a user can choose another service or resource [510], [512], [514], [516], [518] or [520] presented on the screen at any moment, paragraph [0102] also exhibited on figs 12, 14, 17, 22 and 23). However, Carpenter fails to explicitly disclose arranging in order service lists accessible to the digital television decoder.

However, Lin discloses arranging in order service lists accessible to the digital television decoder (The ranking or rating indicates the channels that have been watched by the viewer for the longest length of time during a particular period of time, where the favorite channel list is rearrange starting from the most watched channel, column 1 lines 51-64 also exhibited on fig 3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter by specifically providing the elements mentioned above, as taught by Lin, for the purpose of providing a short cut for the customers, where the services that are access more frequently can be accessed in a faster manner.

7. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Lin further in view of Smith further in view of Greer et al. (Patent No US 6,993,722). Hereinafter, referenced as Greer.

Regarding **claim 11**, Carpenter and Lin disclose the method for access and handling service lists according to claim 10; moreover, Carpenter discloses that the service lists accessible to the digital television decoder are set from television and, DVD libraries, web sites and user services (The users can have access to different sources, such as, the internet, video on demand, audio on demand, electronic mail, enhance television and more, paragraph [0013] also exhibited on figure 5).

However, the combination of Carpenter and Lin fail to explicitly disclose DVD libraries. Nonetheless, Smith discloses DVD libraries (The user has access to different content source services including DVD libraries, see claim 6 of the reference).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Lin by specifically providing the elements mentioned above, as taught by Smith, for the purpose of providing even more option to the customer, expanding the marketability of the product.

However, the combination of Carpenter, Lin and Smith fail to explicitly disclose that the service lists accessible to the digital television decoder also includes radio channels. Nonetheless, Greer discloses that the service lists accessible to the digital television decoder also includes radio channels (A multi-function consumer

entertainment device, adapted for use with a set top box includes applications like telephone, DVD player, web access and net radio, col. 6 lines 27-34)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Lin by specifically providing the elements mentioned above, as taught by Greer, for the purpose of including more devices that can be compatible with one another, which can expand the marketability of such entertainment device.

8. **Claims 12, 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Lin further in view of Schneidewend.

Regarding **claim 12**, Carpenter and Lin disclose the method for access and handling service lists according to claim 10; however, the combination of Carpenter and Lin fail to explicitly disclose that by viewing a service assigned to inactive service lists, a service adding function is activated to add the currently viewed service to the active service list.

However, Schneidewend discloses that by viewing a service assigned to inactive service lists, a service adding function is activated to add the currently viewed service to the active service list (Each user can modify their favorite list by adding more desired services to their lists, col. 4 lines 53-67, col. 5 lines 1-8 and col.7 lines 17-21 also exhibited on fig 4; where there may be different lists containing a different amount of

favorite services that may belong different lists depending on a user's preferences or most frequently used services, col. 5 lines 33-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Lin by specifically providing the elements mentioned above, as taught by Schneidewend, for the purpose of allowing the user to modify their service lists to satisfy each user's need.

Regarding **claim 13**, Carpenter discloses the method for access and handling service lists according to claim 10; however, the combination of Carpenter and Lin fail to explicitly disclose that by viewing an unassigned service, a service adding function and a selected service list are activated to add the unassigned service to the selected service list.

However, Schneidewend discloses that by viewing an unassigned service, a service adding function and a selected service list are activated to add the unassigned service to the selected service list (Each user can modify their favorite list by adding more desired services to their lists, col. 4 lines 53-67, col. 5 lines 1-8 and col.7 lines 17-21 also exhibited on fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Lin by specifically providing the elements mentioned above, as taught by Schneidewend, for the purpose of allowing the user to modify their service lists to satisfy each user's need.

Regarding **claim 14**, Carpenter discloses the method for access and handling service lists according to claim 13; however, the combination of Carpenter and Lin fail to explicitly disclose that the selected service list is a preference list.

However, Schneidewend discloses that the selected service list is a preference list (Service lists generated for a specific user may be based on a predetermined user preference, col. 5 lines 63-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carpenter and Lin by specifically providing the elements mentioned above, as taught by Schneidewend, for the purpose of allowing the user to modify their service lists to satisfy each user's need.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Junior O Mendoza
Examiner
Art Unit 2623

/J. O. M./
March 10, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623